

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

GIBSON BRANDS, INC., a Delaware corporation,)
vs.)
Plaintiff/Counterclaim-Defendant,) Case No. 4:19-cv-00358-ALM
vs.)
ARMADILLO DISTRIBUTION ENTERPRISES, INC.; CONCORDIA INVESTMENT PARTNERS, LLC,)
Defendant/Counterclaim-Plaintiff)
DOES 1 through 10,)
Defendants.)

DECLARATION OF ANDREA E. BATES IN SUPPORT OF GIBSON'S MOTION FOR CONTEMPT OF COURT

Andrea E. Bates, pursuant to 28 U.S.C. § 1746, declares as follows:

1. I am a partner at Bates & Bates, LLC, and serve as counsel to Gibson Brands, Inc. (“Gibson”) in the current action before the United States District Court, Eastern District of Texas, Sherman Division, in the matter of Gibson Brands, Inc., against Armadillo Distribution Enterprises, Inc. and Concordia Investment Partners, LLC, civil action no. 4:19-cv-00358-ALM.
2. I offer this declaration in support of Gibson's motion for contempt against Defendant Armadillo Distribution Enterprises, Inc. (“Armadillo”). The basis of my declaration is my review of the cited information and my personal knowledge of the matters set forth herein. I submit this declaration with an accompanying brief in support of Gibson's motion for contemp.
3. Armadillo's former CEO, Evan Rubinson, on June 3, 2022, stated in an article to Guitar.com “We have no plans to drop the Dean V and Z guitars....” A true and correct copy this article is

annexed to this Declaration as **Exhibit A**. This article can also be found at <https://guitar.com/features/interviews/ceo-evan-rubinson-this-is-not-the-end-gibson-vs-dean-jury-verdict/>.

4. I have personally reviewed the www.DeansGuitars.com website. The Dean Guitars website removed the Gran Sport from its offerings, following the jury verdict, but they did not remove the advertisements for the Dean V and Dean Z. The website also still include a Dean catalog offering the Dean Z and Dean Vs. Those advertisements have remained up, despite my request to Counsel to have the advertisements removed, almost 2 weeks after the injunction was issued. Attached as **Exhibit B** are pages from the www.DeansGuitars.com website, which I reviewed and printed on August 12, 2022.

5. Gibson has incurred attorney's fees and legal expenses between the Final Judgment and through the filing of this motion of at least \$7,000. Should this Court grant attorney's fees. Counsel can provide this Court with invoices for review and approval.

6. Attached hereto as **Exhibit C** is the true and correct copy of the lawsuit between the Defendants and their insurance carrier, Allied Property and Casualty Insurance Company. Allied Property and Casualty Insurance Company v. Armadillo Distribution Enterprises, Inc. C.A. 4:21-cv-00617-ALM.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on August 12, 2022.



Andrea E. Bates